SBCivil Writ Petition No.4944/1992
(Mohan v. Jai Singh & Ors.)

Date of Order :: 20th January, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Durga Ram, for the petitioner.
Mr. Lalit Kawadia, for the respondents.

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By this petition for writ validity and propriety of the judgment dated 26.8.1989 passed by Board of Revenue for Rajasthan, Ajmer in Second Appeal No.109/87/LR/Udaipur, Jai Singh v. Mohan & Anr., is questioned.

The facts of the case in brief are that the petitioner by way of submitting an application under Rule 14(4) of the Rajasthan Land Revenue (Allotment of land for Agricultural Purposes) Rules, 1970 (hereinafter referred to as “the Rules of 1970”) challenged allotment of land made in favour of respondent Shri Jai Singh by Sub Divisional Officer, Rajsamand under an order dated 19.6.1982. The petitioner in the application under Rule 14(4) of the Rules of 1970 urged that allottee Shri Jai Singh was not a landless agriculturist and the land which is allotted to Shri Jai Singh is the land under his possession from last number of years. The application, by an order dated 29.11.1983, was rejected by Additional Collector, therefore, petitioner filed an appeal before the Revenue Appellate Authority, Udaipur

giving challenge to the order dated 29.11.1983. The Revenue Appellate Authority at first instance by an order dated 1.9.1986 remanded the case to the Sub Divisional Officer but later in a review petition cancelled the allotment made in favour of respondent Shri Jai Singh by order dated 25.8.1987. Shri Jai Singh being aggrieved by order dated 25.8.1987 preferred a second appeal under Section 76 of the Rajasthan Land Revenue Act, 1956 before the Board of Revenue, Ajmer which came to be allowed by judgment impugned dated 26.8.1989. The Board of Revenue, Ajmer accepted the second appeal on the count that the Revenue Appellate Authority wrongly calculated share of Shri Jai Singh in his ancestral land and also on the count that the land allotted to Shri Jai Singh is the land other than which is under occupation of the petitioner. The finding given by learned Board of Revenue in this regard reads as under:-

> "It is also important to note that the Addl. Collector carried out an spot inspection of the disputed land. His inspection report makes it abundantly clear that the piece of land allotted in favour of Shri Jai Singh is different from the piece of land on which Shri Mohan Loohar claims his possession and that in any case the possession of Shri Mohan Loohar is over charagah land and is purely unauthorised. The learned Revenue Appellate Authority has failed to take this fact into cognizance while passing the impugned order."

The Board of Revenue accordingly set aside the judgment dated 25.8.1987 passed by the Revenue Appellate Authority, Udaipur, hence, the instant petition for writ is preferred by the petitioner.

At the threshold it is stated by Shri Lalit Kawadia, counsel for respondent Shri Jai Singh that the land occupied by the petitioner is not the land which is allotted to Shri Jai Singh. Quite frankly he has stated that he is having no grievance if the petitioner is permitted to retain the land over which he is having possession and respondent Jai Singh do not claim any right over the land under possession of the petitioner.

In view of statement given by Shri Lalit Kawadia, counsel for respondent Shri Jai Singh, no grievance of the petitioner survives.

Shri Durga Ram, counsel for the petitioner also states that if respondent Shri Jai Singh do not claim any right over the land possessed by him then he is having no grievance with regard to allotment of land made in favour of Shri Jai Singh.

In view of the statement given by Shri Lalit Kawadia, counsel for respondent Shri Jai Singh, in fact the application preferred by the petitioner under Rule 14(4) of the Rules of 1970 itself has become

infructuous. The writ petition as well as all the orders made under the proceedings initiated on application under Rule 14(4) of the Rules of 1970 are also in consequential. The present writ petition is dismissed.

No order as to costs.

(GOVIND MATHUR),J.

kkm/ps.